

**REMARKS**

Entry of the foregoing, reexamination and further and favorable reconsideration of the above-identified application in view of the following remarks is respectfully requested.

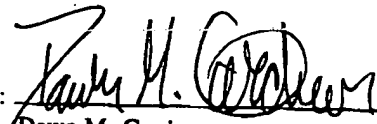
By the foregoing amendment, the claims have been amended to limit the invention to genes encoding an anthocyanin acyltransferase. Support for this amendment to the claims may be found, at the very least, on page 5, lines 26-29, of the specification as filed. Applicants, of course, reserve the right to pursue the canceled subject matter in a continuation application. The claims have also been amended to specify that the aromatic acyl group is transferred to the glucose at the 3 or 5 position of anthocyanin. Support for this amendment to the claims may be found, at the very least, on page 25, lines 27-32, and on page 29, lines 6-10, of the specification as filed. No new matter has been added by the present amendment.

In light of this amendment to the claims, it is believed that the above-identified application is in condition for allowance, and further and favorable action, in the form of a Notice of Allowance, is believed to be next in order and such action is earnestly solicited.

In the event that there are any questions relating to this application, it would be appreciated if the Examiner would telephone the undersigned concerning such questions so that prosecution of this application may be expedited.

Respectfully submitted,

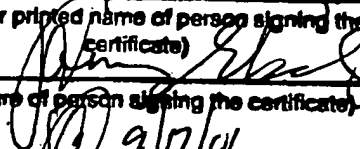
BURNS, DOANE, SWECKER & MATHIS, L.L.P.

By:   
Dawn M. Gardner  
Registration No. 44,118

P.O. Box 1404  
Alexandria, Virginia 22313-1404  
(703) 836-6620

Date: September 19, 2001

I hereby certify that this correspondence is being sent  
by Facsimile Transmission to the Assistant  
Commissioner For Patents, Washington, D.C. 20231  
on:

Date: 9/19/01  
Name: Harmon Ebeling  
(Typed or printed name of person signing the  
certificate)  
Sign:   
(Signature of person signing the certificate)  
Date: 9/17/01  
(Date of Signature)

**Attachment to Supplemental Amendment dated September 19, 2001**

**Marked-up Claims 1, 28, and 46-53**

1. (Four Times Amended) An isolated gene encoding [a protein which transfers an aromatic acyl group to flavonoid] an anthocyanin acyltransferase.

28. An isolated gene encoding[a protein] an anthocyanin acyltransferase, which gene encodes an amino acid sequence selected from the group consisting of the amino acid sequences as set forth in SEQ ID No. 1 to 6, or hybridizes with a nucleotide sequence selected from the group consisting of the nucleotide sequences as set forth in SEQ ID No. 1 to 6 under the condition of 5 x SSC and 50°C or the condition of 2 x SSC and 50°C, and which protein transfers an aromatic aryl group to flavonoid.

46. The gene according to claim 1, wherein the [protein which transfers an aromatic acyl group to flavonoid is a protein which] anthocyanin acyltransferase transfers an aromatic acyl group to the glucose at the 3 or 5 position of anthocyanin.

47. The gene according to claim 2, wherein the gene encodes[a protein] an anthocyanin acyltransferase which transfers an aromatic acyl group to the glucose at the 3 or 5 position of anthocyanin.

**Attachment to Supplemental Amendment dated September 19, 2001**

**Marked-up Claims 1, 28, and 46-53**

48. The gene according to claim 5, wherein the [protein is a protein which] anthocyanin acyltransferase transfers an aromatic acyl group to the glucose at the 3 or 5 position of anthocyanin.

49. The gene according to claim 7, wherein the [protein is a protein which] anthocyanin acyltransferase transfers an aromatic acyl group to the glucose at the 3 or 5 position of anthocyanin.

50. The gene according to claim 8, wherein the [protein is a protein which] anthocyanin acyltransferase transfers an aromatic acyl group to the glucose at the 3 or 5 position of anthocyanin.

51. The gene according to claim 28, wherein the [protein which has an aromatic acyl group transfer activity is a protein which] anthocyanin acyltransferase transfers an aromatic acyl group to the glucose at the 3 or 5 position of anthocyanin.

52. The gene according to claim 42, wherein the gene encodes[a protein] an anthocyanin acyltransferase which transfers an aromatic acyl group to the glucose at the 3 or 5 position of anthocyanin.

53. An isolated acyltransferase gene which encodes [a protein which transfers an aromatic acyl group to flavonoid] an anthocyanin acyltransferase.